

1 BY MR. YELVERTON:

2 Q Mr. Ringer, I'd like to turn your attention to  
3 station WYBZ. You're not --

4 JUDGE MILLER: Before you leave, when did you enter  
5 into this non -- agreement not to compete with the, the AD  
6 agency?

7 WITNESS: In 1989.

8 JUDGE MILLER: In 1989. And that was before you  
9 acquired your interest in WYBZ --

10 WITNESS: Yes.

11 JUDGE MILLER: -- in 1991?

12 WITNESS: Yes, sir.

13 JUDGE MILLER: And there was no problems after you  
14 acquired your 25 percent interest --

15 WITNESS: That's correct.

16 JUDGE MILLER: -- in WYBZ between you and the AD  
17 agency about the -- whether you were violating the agreement  
18 or not?

19 WITNESS: That is correct, sir.

20 JUDGE MILLER: Proceed, Mr. Yelverton.

21 BY MR. YELVERTON:

22 Q Mr. Ringer, with respect to station WYBZ, you're not  
23 considered an employee of that station. Is that correct?

24 A That is correct, sir.

25 Q And you're not -- you don't have a salaried

1 management position at that station.

2 A That is correct.

3 Q Is that correct?

4 A Right.

5 Q And also, you've testified you're not a majority  
6 owner of WYBZ?

7 A That's, that's correct.

8 Q Now, is it not a fact that because you're not an  
9 employee of WYBZ and are not considered a salaried manager of  
10 WYBZ, you're not in violation of the noncompete agreement?

11 A I beg your pardon? I'm not in violation? No.

12 Q In fact one of the reasons --

13 A That's --

14 Q One of the reasons you're not in violation is  
15 because you're not an employee of that station?

16 A Well, no, but I own the station, or own 25 percent  
17 of it. So if they were going to object, they would -- they  
18 wouldn't want me to own it if, if they were going to. But  
19 there's no objection because the noncompete is for newspapers  
20 and not for broadcast.

21 Q And it's a fact that because you're not a majority  
22 owner of the station that would be one of the reasons you  
23 would not be in violation of the noncompete agreement?

24 MR. BELENDIUK: Your Honor, I'm going to object. I  
25 think the witness has answered his question.

1 JUDGE MILLER: I, I don't know whether he's answered  
2 it or not, but I, I don't find any, any particular relevance  
3 to it, so I'll sustain the objection. You're asking the man  
4 for a legal conclusion, Mr. Yelverton, and I don't think he's  
5 capable of giving you that.

6 BY MR. YELVERTON:

7 Q Does the noncompete agreement speak in terms of  
8 majority ownership of a -- what would otherwise be a competing  
9 business?

10 A It states that I cannot go into the newspaper or  
11 print business, whether it's majority or minority ownership.  
12 I, I can't even give good opinions to or support newspapers.  
13 In other words, I can't work for a newspaper as an employee or  
14 I cannot work for a print company as a, as an employee or as  
15 an advisor.

16 JUDGE MILLER: What's the duration of this?

17 WITNESS: It was a five-year.

18 JUDGE MILLER: '89 to?

19 WITNESS: To '95 I believe.

20 JUDGE MILLER: '89 to '94?

21 WITNESS: '94, that's right.

22 JUDGE MILLER: I'm talking about when you entered  
23 in, in it in '89.

24 WITNESS: It was October of '89, so it would be '94,  
25 yes, sir.

1 JUDGE MILLER: So in October of '94 you will be  
2 relieved of any such obligation?

3 WITNESS: Yes, sir.

4 JUDGE MILLER: Proceed, Mr. Yelverton.

5 BY MR. YELVERTON:

6 Q And this agreement specifically and unambiguously  
7 refers only to print newspaper advertising?

8 A That is correct, yes, sir.

9 MR. YELVERTON: Your Honor, I have no further  
10 questions.

11 JUDGE MILLER: All right. Number 2 person is  
12 Mr. Alpert. No, Mr. Koerner, Mr. Koerner.

13 MR. KOERNER: Yes, Your Honor.

14 JUDGE MILLER: All right, proceed, Mr. Koerner.

15 MR. KOERNER: I have a few questions.

16 CROSS EXAMINATION

17 BY MR. KOERNER:

18 Q Mr. Ringer, what is your principal employment at the  
19 present time?

20 A At the present time, I'm a land developer.

21 Q Do you devote full time to that?

22 A As much as I possibly can.

23 Q Would that be 40 hours or more per week?

24 A It's -- Actually, it's less than 40 hours a week.

25 Q Turning your attention to WYBZ-FM in Crooksville,

1 Ohio, I believe you previously testified that you are not an  
2 employee of the station.

3 A That is correct, sir.

4 Q Do you ever visit the station?

5 A Yes, sir. Yes, I do.

6 JUDGE MILLER: How often?

7 BY MR. KOERNER:

8 Q How frequently?

9 A About once a week.

10 Q What are your specific duties with respect to the  
11 station?

12 A Well, I am secretary-treasurer of the, of the  
13 corporation, and so I pay bills. I -- Sometimes I clean the  
14 transmitter room. I do production work.

15 JUDGE MILLER: Does the station have a bookkeeper?

16 WITNESS: Yes, sir. She does the receivables, but  
17 she doesn't do the payables.

18 JUDGE MILLER: All right.

19 BY MR. KOERNER:

20 Q How much time per week do you spend at the station?

21 A Eight hours, so approximately one day a week.

22 Q One day a week?

23 A Yes, sir.

24 Q I believe you previously -- you had some previous  
25 broadcast experience, I believe, listed on page 2 of Exhibit

1 2. One was at station WLNO-FM in London, Ohio.

2 A Yes, sir.

3 Q And that was from 1969 to 1972?

4 A That is correct, sir.

5 Q And what were your duties there?

6 A I was an announcer and production person, primarily  
7 a DJ.

8 Q And was that a full-time position?

9 A It was. It was as, as DJ's work. In other words,  
10 you had a -- I had a four-hour air shift and a six-hour --  
11 during the week and a six-hour air shift on Saturdays. Plus,  
12 I did production work for the owner of the station.

13 Q And you were also -- had a relationship with station  
14 WNUB-FM in Oxford, Ohio?

15 A Yes, sir. That was during college.

16 Q And what were your duties there?

17 A I was a newscaster.

18 JUDGE MILLER: Mr. Ringer, did you graduate from  
19 Miami University?

20 WITNESS: No, I did not, sir.

21 JUDGE MILLER: What were you majoring in when you  
22 were there?

23 WITNESS: English.

24 JUDGE MILLER: Proceed.

25 BY MR. KOERNER:

1 Q Mr. Ringer, approximately what is the distance from  
2 your present home to the studios of former WBBY?

3 A My present home or my home on -- to WBBY. I can't  
4 give you the miles, but I can give you -- It's, it's about a  
5 20-minute drive.

6 JUDGE MILLER: Well, was it more or less than 45  
7 miles?

8 WITNESS: Oh, it's less than 45 miles. It's more  
9 like --

10 JUDGE MILLER: Okay.

11 WITNESS: -- five miles.

12 JUDGE MILLER: Okay.

13 WITNESS: Four or five miles.

14 MR. KOERNER: I don't believe I have anything  
15 further, Your Honor.

16 JUDGE MILLER: Next, Mr. Kravetz.

17 MR. KRAVETZ: Your Honor, I have just a couple of  
18 questions.

19 JUDGE MILLER: All right.

20 CROSS EXAMINATION

21 BY MR. KRAVETZ:

22 Q Mr. Ringer, you testified that you determined that  
23 you -- you claimed local residency credit when you took a look  
24 at an engineering map at your deposition?

25 A Yes, sir.

1 Q Well, didn't you claim local residence prior to  
2 looking at your -- prior to your deposition, in your  
3 integration statement?

4 A I did.

5 Q And you made that claim in this proceeding and  
6 before the Commission without looking at a coverage map?

7 A Okay, there are --

8 Q Yes or no?

9 A Yes.

10 MR. KRAVETZ: I have no further questions, Your  
11 Honor.

12 JUDGE MILLER: All right. Mr. Alpert?

13 MR. ALPERT: Thank you. Just the last couple of  
14 questions to try to clarify --

15 CROSS EXAMINATION

16 BY MR. ALPERT:

17 Q You stated in your testimony that you lived from I  
18 guess November of 1986 to April of 1992 at 1000 Urlin Avenue.  
19 Is that correct?

20 A That is correct, sir.

21 Q Now, is it correct that location is a building at  
22 the corner of I guess Goodale and Urlin Avenue in Columbus  
23 in Grandview Heights?

24 A That's correct.

25 Q Okay. And you also lived I guess during 1972 to



1 1974 at 600 East Town Street. Is that correct?

2 A Yes, sir.

3 Q And is it correct that location is a building  
4 between Washington Street and Lester Drive near Highway 71 in  
5 Columbus?

6 A Yes, that's -- I, I don't remember Lester -- That's  
7 right, it is. Yes.

8 Q Okay.

9 MR. ALPERT: I have no further questions.

10 JUDGE MILLER: All right. I have just a couple.

11 WITNESS: Yes, sir.

12 JUDGE MILLER: Let me go back to this closely held  
13 corporation. I know there's four of you, and would you just  
14 tell me in your own words how it came to be that you -- the  
15 four of you decided to -- Did you buy WYBZ?

16 WITNESS: Yes, sir. Yes, sir.

17 JUDGE MILLER: When?

18 WITNESS: What I did was we bought WYBZ after it  
19 went on the air. My -- I had an employee, Rick Sabine, who is  
20 one of the 25 percent owners.

21 JUDGE MILLER: Right.

22 WITNESS: And I heard about the station and we  
23 bought it and --

24 JUDGE MILLER: You, you had heard it was for sale?

25 WITNESS: Yes, sir, correct.

1 JUDGE MILLER: And did you and Mr. Sabine recruit  
2 Mr. Winner and Mr. Davis?

3 WITNESS: Yes, sir. He knew these two people and  
4 they were from Circleville, Ohio, and that had been his home.  
5 And he had been in another business with them. In fact,  
6 Mr. Sabine had been in the radio business for years. He had  
7 worked for -- Well, I guess it was at first an FM and then an  
8 AM station in, in Circleville. He worked for that station.  
9 That's how we became acquainted.

10 JUDGE MILLER: And so the four of you -- Well, let  
11 me back up. Did you, did you recruit Mr. Winner and Mr. Davis  
12 because you felt more comfortable only handling 25 percent?

13 WITNESS: Yes, sir. Yes.

14 JUDGE MILLER: And so that there was four of you  
15 that were -- have contributed equally to the purchase of that  
16 station?

17 WITNESS: That's right. Yes, sir.

18 JUDGE MILLER: You are the secretary and the  
19 treasurer. Who is the president? If you have one.

20 WITNESS: Rick Sabine.

21 JUDGE MILLER: Rick Sabine is the president. Now --  
22 And this occurred in 1991, around February 20th?

23 WITNESS: Yes, sir.

24 JUDGE MILLER: At that, at the juncture, had you  
25 filed for Westerville?

1 WITNESS: No, I had not.

2 JUDGE MILLER: Okay. So that you made a decision  
3 to, to apply for Westerville after you had acquired WYBZ-FM?

4 WITNESS: Yes, sir.

5 JUDGE MILLER: And did you originally ask Mr.  
6 Sabine, Winner or Davis to go in with you to apply for  
7 Westerville?

8 WITNESS: No, sir, no.

9 JUDGE MILLER: All right. Proceed Mr. Belendiuk  
10 with your redirect.

11 MR. BELENDIUK: I only have a couple questions. On  
12 the quest--

13 JUDGE MILLER: There's, there's one thing, there's  
14 one thing you, you know, don't you? The less redirect you  
15 have the less recross there is. That you know, don't you?

16 MR. BELENDIUK: I don't -- I'm going to keep it real  
17 short.

18 JUDGE MILLER: All right.

19 REDIRECT EXAMINATION

20 BY MR. BELENDIUK:

21 Q There were some questions on your civic activities,  
22 and the question was, were some of these activities taken  
23 outside the one millivolt contour. My question is inversed.  
24 We leave activities conducted, were, were there portions of  
25 them, or how, how large a portion of these activities were

1 conducted within the one millivolt contour?

2 MR. ALPERT: Objection, Your Honor. Asked and  
3 answered. I believe the witness testified that to the extent  
4 they were conducted in his home, they were conducted inside.

5 MR. BELENDIUK: No, that's, that would --

6 JUDGE MILLER: Now, now wait, wait. In the first  
7 place, if you've objected I'm going to overrule the objection,  
8 but I'm going to, I'm going to tell you Mr. Belendiuk, I don't  
9 think it's going to add one wit to the record. Let me tell  
10 you why. I heard the word 'some' in both instances. Now, as  
11 far as I'm concerned, there was some out and some in.  
12 Automatically, by virtue of Mr. Yelverton's examination, not  
13 anything Mr. Belendiuk has to add. Some were out, some were  
14 in. It follows.

15 MR. BELENDIUK: All I'm trying to do is get a sense  
16 of how many were in and how many were out.

17 JUDGE MILLER: And there's where you're going to  
18 have some troubles, I think. Have you ever, have you ever --  
19 you were able to answer Mr. Yelverton and since some of them  
20 were outside --

21 WITNESS: Yes, there was.

22 JUDGE MILLER: To the extent that I can -- that it  
23 was outside my home, those things. Have you ever set down and  
24 consciously tried to figure out how much was outside of it and  
25 how much was in?

1           WITNESS: No. All I know is they were all down  
2 within Franklin County, and the line goes way deep in the  
3 south of Franklin County. Probably most of them were done  
4 within the one millivolt, but at the time -- I can't remember  
5 where all those activities took place.

6           JUDGE MILLER: I, I understand.

7           BY MR. BELENDIUK:

8           Q     And the other question is auxiliary power, do you  
9 plan to have auxiliary power?

10          A     Yes, sir.

11          Q     Okay. Did you budget for auxiliary power?

12          A     Not originally, but I have since budgeted. I mean,  
13 it's, it's -- the money is in place in my budget.

14          MR. BELENDIUK: That's all the questions I have,  
15 Your Honor.

16          JUDGE MILLER: Why didn't -- Why don't you have  
17 auxiliary power out at WYBZ?

18          WITNESS: We couldn't afford it. But that's in the,  
19 that's in the, in the works.

20          JUDGE MILLER: All right.

21          WITNESS: I understand they're going to do that  
22 pretty soon.

23          JUDGE MILLER: All right. Recross,  
24 Mr. Yelverton?

25          MR. YELVERTON: Yes, Your Honor, hopefully one

1 question.

2 RECROSS EXAMINATION

3 BY MR. YELVERTON:

4 Q Mr. Ringer, you testified that initially you didn't  
5 budget auxiliary power, subsequently you have. When did you  
6 budget for auxiliary power?

7 A Well, it is necessary and I did state in my  
8 application that I would have auxiliary power. I had a  
9 contingency fee within my budget and so we're using that  
10 contingency fee to buy the auxiliary power units, one for the  
11 FM transmitter site and one for the, the studio site.

12 Q I'm not certain that was responsive to the question  
13 I asked.

14 JUDGE MILLER: When did you do it?

15 BY MR. YELVERTON:

16 Q When did you make that decision?

17 A Oh, okay. I don't remember exactly when, but it was  
18 I think --

19 JUDGE MILLER: Was it after the deposition?

20 WITNESS: Yes, sir. Yes, it was.

21 JUDGE MILLER: Is there anymore you need,  
22 Mr. Yelverton?

23 MR. YELVERTON: Hopefully, just one more question.

24 BY MR. YELVERTON:

25 Q You said that you budgeted contingencies which

1 included auxiliary power. What other contingencies was this  
2 budget item for?

3 MR. BELENDIUK: Objection. Goes to --

4 JUDGE MILLER: Sustained.

5 MR. YELVERTON: I have no further questions.

6 JUDGE MILLER: You may get to ask that question  
7 someday, but I'm not -- Right now we're in phase 1.  
8 Mr. Koerner?

9 MR. KOERNER: None, Your Honor.

10 JUDGE MILLER: Mr. Kravetz?

11 MR. KRAVETZ: No questions, Your Honor.

12 JUDGE MILLER: Mr. Alpert?

13 MR. ALPERT: No questions, Your Honor.

14 JUDGE MILLER: Does that complete the presentation  
15 of this witness, Mr. Belendiuk?

16 MR. BELENDIUK: Your Honor, I'd like to ask one more  
17 question on auxiliary power --

18 JUDGE MILLER: No.

19 MR. BELENDIUK: -- if you'll permit it.

20 JUDGE MILLER: No.

21 MR. BELENDIUK: Then it completes my presentation.

22 JUDGE MILLER: That's what it does. Mr. Ringer,  
23 you're excused and thank you for testifying.

24 WITNESS: Thank you. Thank you, sir.

25 MR. ALPERT: Your Honor.

1 JUDGE MILLER: Aye, Captain?

2 MR. ALPERT: This is Mr. Belendiuk's marina.

3 JUDGE MILLER: All right. What is it that you  
4 wanted to say to me? Some sort of a preliminary matter that  
5 you evidently didn't realize that you were going to bring up.

6 MR. ALPERT: No, not really a preliminary matter,  
7 Your Honor. On -- matter which just became -- finally just  
8 now. I'd like, before moving on to the next applicant, I have  
9 two rebuttal exhibits which I'd like to distribute and have  
10 identified for the record.

11 JUDGE MILLER: I'm not, I'm not -- Are you talking  
12 about rebuttal of Mr. Ringer?

13 MR. ALPERT: Yes, sir.

14 JUDGE MILLER: I'm not, you know, I'm not a rebuttal  
15 man, Mr. Alpert. What, what, what is it you were going to  
16 rebut?

17 MR. ALPERT: Well, Your Honor, he testified as to  
18 the precise location of certain residences. We had someone go  
19 out and determine the exact location of those residences.  
20 Those residences have been marked on USGS cartographical map  
21 with coordinate markings. The engineer then determined the  
22 distance from those past residences to the proposed  
23 transmitter site of Mr. Ringer's transmitter site. And in  
24 both cases we determined that his residences from I believe it  
25 is 1972 to 1974 were outside one MVM contour of his proposed



1 station. In addition, his residence from 1986 to April 1992  
2 was outside the one MVM contour.

3 That is directly relevant to the standard  
4 comparative issue in this proceeding insofar as that he is  
5 claiming credit for those past residences as being within the  
6 one MVM contour. In fact, certain testimony was given today  
7 that he believed definitely that those residences were inside.

8 JUDGE MILLER: That's what I --

9 MR. ALPERT: I have here precise evidence right now  
10 which shows that in both cases they're between one and one-  
11 half kilometers outside the one MVM contour of the proposed  
12 station.

13 JUDGE MILLER: Now, now, what -- exactly what kind  
14 of evidence is it you have?

15 MR. ALPERT: Okay.

16 JUDGE MILLER: It looks like to me that we're here  
17 talking about presenting an engineer.

18 MR. ALPERT: That's correct.

19 JUDGE MILLER: And who is the engineer you intend to  
20 present?

21 MR. ALPERT: The engineer is from the firm of Suffa  
22 and Cavell and the engineer is Charles Rexroad, Jr., of that  
23 firm.

24 JUDGE MILLER: Now, I'm going to ask an additional  
25 question. Did Mr. Rexroad, Jr., use the joint engineering

1 exhibit that was prepared by Mr. Mulaney?

2 MR. ALPERT: He used the data that was contained in  
3 joint -- in Mr. Ringer's original application, and it was  
4 checked against the data that was supplied by -- in the joint  
5 engineering exhibit. In other words, I showed -- I presented  
6 to him the tabulation of the distances and they corresponded  
7 in both cases to the information that he determined as far as  
8 the distance from the transmitter site to the residence at  
9 that exact radial to the, to the residence.

10 MR. KRAVETZ: In the one mil, I presume.

11 MR. ALPERT: Within the one MVM contour.

12 JUDGE MILLER: Within the one mil?

13 MR. ALPERT: Yes, sir.

14 JUDGE MILLER: When we have completed our six  
15 witnesses, I will entertain a request from you to, to have a  
16 brief rebuttal session.

17 MR. ALPERT: Well, Your Honor, I just would ask,  
18 Mr. Rexroad is in attendance right here and it would be most  
19 convenient if that portion of the testimony of his could be  
20 dealt with.

21 MR. BELENDIUK: Your Honor --

22 JUDGE MILLER: Evidently you're not listening to me.

23 MR. ALPERT: I am, Your Honor, but I'm just -- the  
24 other consideration that might --

25 JUDGE MILLER: Well, we're going to go through the

1 -- with the six witnesses, at which time I will, I will  
2 entertain any requests for rebuttal. Among them, yours.

3 MR. ALPERT: Thank you.

4 JUDGE MILLER: What was it you wanted to say,  
5 Mr. Belendiuk? That can only, that can only --

6 MR. BELENDIUK: At this point --

7 JUDGE MILLER: -- go to your detriment, but go  
8 ahead, speak.

9 MR. BELENDIUK: Nothing, Your Honor.

10 JUDGE MILLER: Right. Mr. Belendiuk, you have  
11 completed your presentation and do you rest your direct case?

12 MR. BELENDIUK: Yes, I do, Your Honor.

13 JUDGE MILLER: All right. Mr. Koerner.

14 MR. KOERNER: If I may have a moment, Your Honor.

15 MR. BELENDIUK: Your Honor, if I may, if I could be  
16 excused for the rest of the day and someone'll be back  
17 tomorrow. Mr. responsibility for cross doesn't come until  
18 Ms. Shellee Davis.

19 JUDGE MILLER: Well, you're down here, you're listed  
20 for Frizzell and Beauvais, but if you want to --

21 MR. BELENDIUK: I said I would only be interested if  
22 other parties dropped out or weren't going to carry their  
23 load, and no one's dropped out at this point.

24 JUDGE MILLER: You are, you are excused until  
25 tomorrow morning.

1 MR. BELENDIUK: Thank you, Your Honor.

2 JUDGE MILLER: Which is -- may be a limited -- But  
3 anything that happens in between, that's the way life is.

4 MR. BELENDIUK: Thank you.

5 JUDGE MILLER: All right, Mr. Koerner.

6 MR. KOERNER: Your Honor, I'd like to call to the  
7 witness stand Ardeth S. Frizzell.

8 JUDGE MILLER: All right, Ardeth S. Frizzell come  
9 forward please.

10 MR. KOERNER: And, Your Honor, in accordance with  
11 your ruling at the evidentiary admission session, I would like  
12 to note that Mr. Thomas J. Beauvais is now requesting to leave  
13 the hearing room.

14 JUDGE MILLER: Okay, we'll take care of it as soon  
15 as we get him sworn in, okay, Mr. Koerner? Ms. Frizzell,  
16 would you raise your right hand, please?  
17 Whereupon,

18 MS. ARDETH S. FRIZZELL  
19 having first been duly sworn, was called as a witness herein  
20 and was examined and testified as follows:

21 JUDGE MILLER: Have a seat, miss. And at this stage  
22 you are indicating that Mr. Beauvais is absenting himself from  
23 the hearing room? And he knows where that witness room is out  
24 there, don't you?

25 MR. KOERNER: Yes, sir.

1 JUDGE MILLER: All right. And --

2 MR. KOERNER: Let the record show I am placing  
3 before the witness a copy of the direct testimony exhibits for  
4 this applicant.

5 JUDGE MILLER: All right.

6 MR. KOERNER: And the witness is now available for  
7 cross examination, Your Honor.

8 JUDGE MILLER: All right. Is it -- Mr. Alpert, are  
9 you lead or is Mr. Kravetz the lead?

10 MR. ALPERT: Mr. Kravetz is lead.

11 JUDGE MILLER: Mr. Kravetz is lead. Proceed,  
12 Mr. Kravetz.

13 MR. KRAVETZ: Thank you, Your Honor.

14 CROSS EXAMINATION

15 BY MR. KRAVETZ:

16 Q Ms. Frizzell, my name is Eric Kravetz and I  
17 represent Wilburn Industries, Incorporated, and we've met, as  
18 you'll recall twice before, once at your deposition and once  
19 at the settlement meeting in Washington. You are presently a  
20 shareholder in ASF Broadcasting Corporation?

21 A Yes.

22 Q You're going to have to speak loudly.

23 A Yes, sir.

24 Q The microphone does not amplify your voice. And  
25 you're a voting shareholder?

- 1           A     Yes, I am.
- 2           Q     And what percent interest in the company do you own  
3 from an equity standpoint?
- 4           A     Twenty-five percent voting.
- 5           Q     Okay. And you have another shareholder in the  
6 company?
- 7           A     Yes, I do.
- 8           Q     And who is that?
- 9           A     Tom Beauvais.
- 10          Q     And what is his equity interest in the company from  
11 a percentage standpoint?
- 12          A     Seventy-five percent nonvoting.
- 13          Q     He owns 75 percent of the company?
- 14          A     Nonvoting.
- 15          Q     I didn't ask you that. Does he own 75 percent of  
16 the company?
- 17          A     Yes, sir.
- 18          Q     Thank you. Now, I have a question about Exhibit 2  
19 to your direct testimony, if you would direct your attention  
20 to that. And in the last sentence it refers to the fact that  
21 Mr. Beauvais is a 50-percent owner of a company which has an  
22 80 percent ownership interest in a WFGR, station WFGR out of  
23 Grand Rapids, Michigan. Is that correct?
- 24          A     Yes, that's what it says here.
- 25          Q     And that's an FM station?

1           A     It says FM. I'm not sure, sir. I don't know about  
2 it.

3           JUDGE MILLER: Well, Ms. Frizzell, let's be sure  
4 that we understand each other.

5           WITNESS: Yes.

6           JUDGE MILLER: If you'll turn to page 2 of that  
7 exhibit, I see your declaration. So you are responsible for  
8 the facts that are in this document. You understand that,  
9 don't you?

10          WITNESS: Yes.

11          JUDGE MILLER: So when you say I'm not sure, it  
12 causes me to worry. You understand that, don't you?

13          WITNESS: Yes.

14          JUDGE MILLER: Okay, proceed, Mr. Kravetz.

15          MR. KRAVETZ: So thank you, Your Honor, that took  
16 away my next question.

17          BY MR. KRAVETZ:

18          Q     Do you know whether or not WFGR is an AM or FM  
19 station?

20          A     No, I don't.

21          Q     Did you ever attempt to find out before you swore to  
22 the accuracy of that?

23          A     No, I didn't check.

24          Q     Well, do you know whether or not Mr. Beauvais is in  
25 fact the general manager of that station?

1 A I don't believe he is.  
2 Q Pardon me?  
3 A No, I don't believe he is.  
4 MR. KOERNER: Objection.  
5 BY MR. KRAVETZ:  
6 Q You don't believe he is?  
7 JUDGE MILLER: On what do you base your belief?  
8 He's never told you?  
9 WITNESS: No, he hasn't.  
10 BY MR. KRAVETZ:  
11 Q Have you ever asked him?  
12 A No, sir.  
13 Q Did you ever attempt to find out whether he was  
14 anything other than a, a passive owner in this company?  
15 A No, sir.  
16 Q He was deposed not too long ago. Did you ever  
17 review his deposition testimony?  
18 A No, sir, I did not see it.  
19 Q Do you consider it important or not whether he's an  
20 active participant and manager in his own station?  
21 MR. KOERNER: Objection, Your Honor.  
22 JUDGE MILLER: Sustained.  
23 MR. KRAVETZ: Okay.  
24 BY MR. KRAVETZ:  
25 Q Do you have an agreement with Mr. Beauvais that each



1 of you --

2 JUDGE MILLER: Before you, before you go ahead,  
3 Mr. Kravetz, would you tell me in your own words how you and  
4 Mr. Beauvais came, came to be together?

5 WITNESS: When I found out that WBBY was going off  
6 the air --

7 JUDGE MILLER: Well, that was, that was while you  
8 were working there?

9 WITNESS: Yes, sir.

10 JUDGE MILLER: Okay. You found out it was going off  
11 the air?

12 WITNESS: And I promised the listeners and the  
13 employees that I would do everything I could to try to get the  
14 station back. And I had a friend that used to work at BBY  
15 that had previously applied for a radio station.

16 JUDGE MILLER: Who was that?

17 WITNESS: Joann Adams.

18 JUDGE MILLER: Okay. And she was working for you?

19 WITNESS: No, sir. She worked with me. I was not  
20 the general manager at that time. She was an account  
21 executive and I was business manager.

22 JUDGE MILLER: Oh, I see. All right. Go ahead.

23 WITNESS: And since she had experience, I asked her  
24 how you would go about it and that I needed someone  
25 financially to help me. And she told me the name of the